

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

**UNITED STATES OF AMERICA,**

Plaintiff,

V.

**MICHAEL FORTNER,**

Defendant.

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Criminal No. **07-30058-GPM**

**REPORT AND RECOMMENDATION**

The United States of America and the Defendant having both filed a written consent, appeared before me pursuant to Federal Rule of Criminal Procedure 11 and SDIL Rule 72.1(b)(2). The Defendant entered a plea of guilty to Count 1 of the Indictment. Defendant also conceded the government could prove all of the elements for forfeiture of the property sought in Count 2; accordingly, Defendant relinquished any interest he may have in that property. After cautioning and examining the Defendant under oath concerning each of the subjects mentioned in Rule 11, I determined that the guilty plea relative to Count 1 was knowing and voluntary as to each count, and that the offense charged is supported by an independent factual basis containing each of the essential elements of such offense. I similarly found that Defendant knowingly and intelligently conceded the forfeiture of the property enumerated in Count 2. I therefore recommend that the concession of forfeiture be accepted, the plea of guilty be accepted, that a presentence investigation and report be prepared, and that the Defendant be adjudicated guilty and have sentence imposed accordingly.

**DATED: November 16, 2007.**

s/ Clifford J. Proud  
**CLIFFORD J. PROUD**  
**U. S. MAGISTRATE JUDGE**

**NOTICE**

Failure to file a written objection to this Report and Recommendation within ten (10) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned U.S. District Judge. 28 U.S.C. 636(b)(1)(B).